

ATTACHMENT 1

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**Before the Honorable Robert L. Barton, Jr.**  
**Administrative Law Judge**

**In the Matter of**

**CERTAIN DIGITAL IMAGE STORAGE AND  
RETRIEVAL DEVICES**

**Inv. No. 337-TA-527**

**ORDER NO. 32: INITIAL DETERMINATION GRANTING COMPLAINANT'S  
MOTION TO WITHDRAW THE COMPLAINT AND TERMINATE INVESTIGATION**  
(August 5, 2005)

On July 29, 2005, Complainant Ampex Corporation ("Ampex") moved (527-034) to withdraw its complaint and terminate the investigation as to all named Respondents. On August 1, 2005, the Commission Investigative Staff ("Staff") filed a response in support of the motion. In their August 4, 2005 response, Respondents Eastman Kodak Company and Altek Corporation (collectively "Respondents") state that they do not oppose the motion. Respondents assert that the complaint should have been withdrawn six months ago.

According to Ampex's motion, it has "decided to pursue its remedies in pending district court litigation." Ampex Motion at 5. Ampex further states that "the recent disqualification of Ampex's expert may place an additional burden on Ampex to proceed in this forum." *Id.* In Order No. 31, issued August 3, 2005, the procedural schedule in this investigation was suspended pending a resolution of the motion to withdraw the complaint and terminate the investigation. *See* Order No. 31 (August 3, 2005).

The Commission has stated that "in the absence of extraordinary circumstances, termination

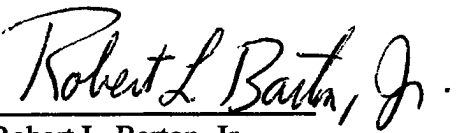
of the investigation will be readily granted to a complainant during the prehearing stage of an investigation.” *Certain Ultrafiltration Membrane Systems, and Components Thereof, Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Commission Action and Order at 2 (March 11, 1982); *see also* *Certain Plasma Display Panels and Products Containing Same*, Inv. No. 337-TA-445, Order No. 26 (July 10, 2001) (unreviewed initial determination) (terminating investigation based on withdrawal of the complaint); *Certain Semiconductor Light Emitting Devices, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-444, Order No. 7 (June 27, 2001) (unreviewed initial determination) (same).

Although discovery has been completed and hearing exhibits have been exchanged, an evidentiary hearing has not been held, and Respondents have not filed a motion for summary determination.

There being no opposition to the granting of the motion, and there being no public interest concerns or other extraordinary circumstances against it, the motion is granted. Accordingly, Motion No. 527-034 is granted without prejudice, and this investigation is terminated as to all Respondents..

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission within thirty days unless a party files a petition for review pursuant to 19 C.F.R. § 210.43(a) or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the Initial Determination or certain issues therein.

**SO ORDERED.**


  
Robert L. Barton, Jr.  
Administrative Law Judge

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AND RETRIEVAL DEVICES**

**337-TA-527**

**CERTIFICATE OF SERVICE**

I, Marilyn R. Abbott, hereby certify that the attached **PUBLIC ORDER** was served upon, Erin Joffre, Esq., Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on August 5, 2005.

  
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